

# Town Board Minutes

June 16, 2008

Meeting No. 20

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 16<sup>th</sup> day of June 2008 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
DAVID MARRANO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## PERSONS ADDRESSING TOWN BOARD:

**Basty, Jeffrey**, spoke to the Town Board on the following matter:

- a neighbor parking a business trailer at his residence

**Beutler, Daniel**, spoke to the Town Board on the following matters:

- home occupation at 91 Nichter Road
- joint Town Board meeting with Town of Cheektowaga on June 11, 2008
- Town owned building on Walden Avenue
- former Library building in Village of Depew

**Chowaniec, Lee**, spoke to the Town Board on the following matters:

- site plan approval of Aldi Food Store at 4937 Transit Road
- site plan of Wal-Mart at NEC Transit/William

**Leonardi, Carol**, spoke to the Town Board on the following matter:

- high school students parking on Shadyside Lane during school hours

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- storm sewer bubbler in front of his house
- Town Board work session

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**RESOLVED,** that the minutes of the Joint Meeting of the Town Board and the Planning Board held June 2, 2008 and the Regular Meeting of the Town Board held June 2, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Special Meeting of the Town Boards  
of the Town of Lancaster and the Town of Cheektowaga held June 11, 2008  
be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	ABSTAINED
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	ABSTAINED
SUPERVISOR GIZA	VOTED YES

June 16, 2008

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Susan Ida Szwajda, the owner of real property situate at 91  
Nichter Road in the Town of Lancaster, New York, has submitted an application for a Special  
Use Permit for a Home Occupation (Massage Therapy Office), in accordance with provisions of  
Chapter 50-Zoning of the Code of the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 17 (F), entitled  
“Home Occupations” of the Code of the Town of Lancaster, a Public Hearing on the proposed  
Special Use Permit for a Home Occupation (Massage Therapy Office) on premises locally  
known as 91 Nichter Road, Lancaster, New York, will be held at the Town Hall, 21 Central  
Avenue, Lancaster, New York, on the 7<sup>th</sup> day of July, 2008, at 8:30 o’clock P.M., Local Time,  
and that Notice of the time and place of such hearing be published in the Lancaster Bee, a  
newspaper of general circulation in said Town , on June 26, 2008 and be posted on the Town  
Bulletin Board, and that a copy of such Notice of Hearing be referred to the Erie County  
Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which  
Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO, SR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

**LEGAL NOTICE**  
**PUBLIC HEARING**  
**TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 17 (F), “Home Occupations” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 16<sup>th</sup> day of June, 2008, the Town Board will hold a Public Hearing on the 7<sup>th</sup> day of July, 2008, at 8:30 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Susan Ida Szwajda for a Special Use Permit, for a Home Occupation (Massage Therapy Office) on premises locally known as 91 Nichter Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY:     Johanna M. Coleman  
          Town Clerk

June 16, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS, Niagara Lutheran Health System Inc.,** 64 Hager Street, Buffalo, New York 14208, the owner of a parcel of land located on 5949, 5965, 5979, 5983, and 5987 Broadway, in the Town of Lancaster, New York, has petitioned the Town Board of the said Town for the rezone of said property from a Residential Commercial Office District (RCO) to Multi Family Residential District 3 (MFR-3), and

**WHEREAS,** the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 7<sup>th</sup> day of July, 2008, at 8:35 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on June 26, 2008 and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

**LEGAL NOTICE  
PUBLIC HEARING  
5949, 5965, 5979, 5983 and 5987 BROADWAY  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on June 16, 2008, the said Town Board will hold a Public Hearing on the 7<sup>th</sup> day of July, 2008 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a Residential Commercial Office District (RCO) to Multi Family Residential District 3 (MFR-3), and

**5949, 5965, 5979, 5983, and 5987 BROADWAY**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie State of New York, being part of Lot 9 Section 4, Township 11, Range 6 of the Holland Land Survey bounded and described as follows:

**BEGINNING AT A POINT** on the present south line of Broadway Route 20 (100 feet wide right of way) formerly Cayuga Creek Road 686.18 feet east of the west line of said Lot 9;

**THENCE**: Continuing easterly along the south line of Broadway a distance of 182.93 feet to a point;

**THENCE**: Southerly along a line parallel with the east line of said Lot 9 forming an exterior angle of 77°-17'-45" a distance of 257.28 feet to a point;

**THENCE**: Westerly along a line forming an interior angle of 76°-59'-45" a distance of 491.07 feet to a point;

**THENCE**: Northerly along a line forming an interior angle of 103°-00'-15" a distance of 75.00 feet to a point;

**THENCE**: Easterly along a line parallel with former centerline of Cayuga Creek Road forming an interior angle of 76°-59'-45" a distance of 307.92 feet to a point;

**THENCE**: Northerly along a line parallel with the east line of said Lot 9 forming an exterior angle of 76°-59'-45" a distance of 181.30 feet to the point of place of beginning, containing 1.6 acres more or less and,

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie State of New York, being part of Lot 9, Section 4, Township 11, Range 6 of the Holland Land Survey bounded and described as follows:

**BEGINNING AT A POINT** intersecting with the east line of said Lot 9 and the present south line of Broadway Route 20 (100 feet wide right of way) formerly Cayuga Creek Road;

**THENCE**: Continuing westerly along the south line of Broadway a distance of 424.13 feet to a point;

**THENCE**: Southerly along a line parallel with the east line of said Lot 9 forming an interior angle of 77°-17'-45" a distance of 182.69 feet to a point;

**THENCE**: Easterly along a line parallel with former centerline of Cayuga Creek Road forming an interior angle of 103°-00'-15" a distance of 249.64 feet to a point;

**THENCE**: Southerly along a line parallel with the east line of said Lot 9 a distance of 125.00 feet to a point;

**THENCE:** Easterly along a line parallel with the former centerline of Cayuga Creek a distance of 175.00 feet to a point on the east line of Lot 9;

**THENCE:** Northerly along said east line of Lot 9 a distance of 309.96 feet to the point or place of beginning, containing 2.2 acres more or less.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN**  
**Town Clerk**

June 16, 2008



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, a Public Hearing was held on the 5<sup>th</sup> day of May, 2008, on the petition of **Affordable Senior Housing Opportunities of New York, Inc.**, 350 Harris Hill Road, Williamsville, New York for the rezone of certain property located at 6026 Broadway, in the Town of Lancaster, New York from an Agricultural Residential District (AR) to a Multifamily Residential District Four (MFR-4), and

**WHEREAS**, the Planning Board of the Town of Lancaster at its meeting held April 2, 2008 unanimously recommended approval of the rezone, and

**WHEREAS**, a SEQR review was completed on the proposed rezone and project on June 2, 2008 and a Negative Declaration issued, and

**WHEREAS**, a Notice of said Hearing has been duly published and posted, and

**WHEREAS**, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a Agricultural Residential District (AR) to a Multifamily Residential District Four (MFR-4):

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 7, Section 4, Township 11, Range 6 of the Holland Land Survey, bounded and described as follows:

**BEGINNING** at the point on the east line of Lot 7, being the centerline of Pavement Road (formerly called Bagley Road) distant 517.50 feet southerly from the northeast corner of Lot 7 as measured along said east line;

**THENCE** S-00°-27'-10"-W, along the east line of Lot 7 a distance of 1,215.00 feet;

**THENCE** N-88°-11'-09"-W, a distance of 683.64 feet to the east line of lands conveyed to Thomas N. Peckham recorded in the Erie County Clerk's Office in Liber 113 of Deeds at page 226, Distant 250.00 feet northerly from the north line of Broadway as measured along said east line of said Peckham lands;

**THENCE** N-00°-03'-11"-E, along said east line a distance of 1,214.36 feet to the south line of lands conveyed to Cynthia Needham recorded in the Erie County Clerk’s Office in Liber 231 of Deeds at page 254;

**THENCE** S-88°-13'-14"-E, along said south line a distance of 670.91 feet to the point of beginning containing 18.88 acres be the same more or less;

Excepting and reserving that portion of lands lying within the bounds of Pavement Road.

- 2. That the Zoning Amendment is subject to the proponent/developer meeting the following conditions:
  - a) Dwelling to be solely used as housing for senior citizens defined as people over the age of sixty-five (65) years.
- 3. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 16<sup>th</sup> day of June, 2008;
- 4. That a certified copy thereof be published in the Lancaster Bee, on or before the 19<sup>th</sup> day of June, 2008;
- 5. That Affidavits of Publication be filed with the Town Clerk; and
- 6. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

**LEGAL NOTICE**  
**NOTICE OF ADOPTION OF AMENDMENT**  
**ZONING ORDINANCE, TOWN OF LANCASTER**  
**6026 BROADWAY**  
**TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a Agricultural Residential District (AR) to Multifamily Residential District Four (MFR-4):

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 7, Section 4, Township 11, Range 6 of the Holland Land Survey, bounded and described as follows:

**BEGINNING** at the point on the east line of Lot 7, being the centerline of Pavement Road (formerly called Bagley Road) distant 517.50 feet southerly from the northeast corner of Lot 7 as measured along said east line;

**THENCE** S-00°-27'-10"-W, along the east line of Lot 7 a distance of 1,215.00 feet;

**THENCE** N-88°-11'-09"-W, a distance of 683.64 feet to the east line of lands conveyed to Thomas N. Peckham recorded in the Erie County Clerk's Office in Liber 113 of Deeds at page 226, Distant 250.00 feet northerly from the north line of Broadway as measured along said east line of said Peckham lands;

**THENCE** N-00°-03'-11"-E, along said east line a distance of 1,214.36 feet to the south line of lands conveyed to Cynthia Needham recorded in the Erie County Clerk's Office in Liber 231 of Deeds at page 254;

**THENCE** S-88°-13'-14"-E, along said south line a distance of 670.91 feet to the point of beginning containing 18.88 acres be the same more or less;

Excepting and reserving that portion of lands lying within the bounds of Pavement Road.

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**June 16, 2008**

**STATE OF NEW YORK     :**

**COUNTY OF ERIE             :   ss:**

**TOWN OF LANCASTER   :**

**THIS IS TO CERTIFY** that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 16th day of June 2008 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto signed my hand and affixed the Seal of said Town this 16<sup>th</sup> day of June, 2008

**(S E A L)**

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Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Richard J. Koch**, for a Special Use Permit for a Home Occupation (C.P.A. Office) on premises located at 60 Michael’s Walk, Lancaster, New York, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW, THEREFORE, BE IT  
RESOLVED as follows:**

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled “Home Occupations” of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Richard J. Koch**, for a Home Occupation (C.P.A. Office) on premises located at 60 Michael’s Walk, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and
2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:
  - a. Permit must be renewed every two (2) years at no additional cost to applicant.
  - b. This Special Use Permit terminates when the applicant no longer resides on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, Forbes Homes, Inc., 2635 Millersport Highway, Getzville, New York 14068 has heretofore applied for approval of a single family residential subdivision to be known as “Windsor Ridge South Subdivision, Phase I” located on the south side of Sussex Lane, west of Bowen Road in the Town of Lancaster, and

**WHEREAS**, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

**WHEREAS**, the Town acting as lead agency has completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations, and

**WHEREAS**, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision;

**NOW, THEREFORE, BE IT  
RESOLVED, as follows:**

1. That the Town Board of the Town of Lancaster hereby approves the proposed single family residential subdivision as prepared by Greenman-Pedersen dated April 21, 2008 and filed with the Town Clerk on June 2, 2008 for the subdivision to be known as “Windsor Ridge South Subdivision, Phase I” for filing in the Erie County Clerk’s office.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

File: rWindsorRidgeSouthfinalplatapprova608

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER RUFFINO, TO WIT:

**WHEREAS**, General Crew Chief Terrence McCracken, by letter dated June 11, 2008, has requested the appointment of four (4) seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for summer 2008. These appointments are necessary because individuals previously appointed have declined the positions.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individuals be and are hereby appointed to the position of seasonal employees for the summer of 2008 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rates:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Kira Ceppaglia (new hire) 1 Edgewood Road, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15/hr.
Lisa Myers (rehire) 18 Holland Avenue, Lancaster	Recreation Attendant (Playground Attendant)	\$7.40/hr.
Rich Girdlestone (new hire) 23 Summit Street, Lancaster	Laborer	\$7.15/hr.
Michael Saad (new hire) 12 Cedarbrook Drive, Lancaster	Laborer	\$7.15/hr.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York has applied to the Town Board of the Town of Lancaster for permits for Public Improvements upon real property in the Town of Lancaster within The "Greens" at Pleasant Meadows Subdivision IV, Phase I, and

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Application Nos. 643, 644, 645, 646 and 647 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, which are permits for Public Improvements for the installation of:

P.I.P. No. 643 (Sidewalk)	The "Greens" at Pleasant Meadows Subdivision IV, Phase 1, on east & west side Juniper Blvd. and s/s Seneca Place/installation of approx. 1540± LF 5' wide conc. walk (Juniper Blvd.), 260 LF 5' wide conc. walk (Seneca Place).
P.I.P. No.644 (Storm Sewer)	The "Greens" at Pleasant Meadows Subdivision IV, Phase 1, on Sterling Place, Juniper Blvd. and Seneca Place / installation of approx 252± LF of 6" HDPE, 155± LF of 8" HDPE, 470± LF 10" HDPE, 1544± LF of 12" HDPE, 476± LF of 15" HDPE, 431± LF of 18" HDPE, 1232± LF of 24" HDPE, Standard receivers - 17 ea., B.Y. receivers - 12 ea., Light Duty Rcvr. - 10 ea., Sediment Chambers 1- (5R) & 1 - (8R), outfall structure - 2 ea. Standard (48" I.D.) Manholes - 15 ea.
P.I.P. No. 645 (Water Line)	The "Greens" at Pleasant Meadows Subdivision IV, Phase I, on Sterling Place, Juniper Blvd. and Seneca Place / installation of approx. 750± LF 12" Ductile Iron pipe (D.I.P. Class 52), 1865± 8" PVC (C-900), 138± LF 8" D.I.P. (Ductile Iron Pipe, Class 52), 12" Butterfly valves - 3 ea., 8" gate valves - 7 ea., hydrant assemblies - 5 ea.; 1" blow-off assemblies - 3 ea.
P.I.P. No. 646 (Detention Basin)	The "Greens" at Pleasant Meadows Subdivision IV, Phase 1, south of Sterling Place, rear sublots 5 thru 14 / installation of Detention Basin 2 ea., Rip-Rap Spillways (50# min.) 4 ea. along with all erosion control devices depicted on sheets 20 and 21 and as per detail sheet 22. North of Sterling Place, rear sublots 21 thru 28, installation of second detention basin.

P.I.P. No. 647  
(Pavement)

The "Greens" at Pleasant Meadows Subdivision IV, Phase 1 on Sterling Place, Juniper Blvd. and Seneca Place / installation of 5560± sq. yds. (28' wide asphaltic conc. pavement), 12" sub-base No. 2 (NYSDOT 304.03), 4" Base Type 1 (NYSDOT 403.11), 2" Dense Binder Type 3 (NYSDOT 403.13), 1" Top Type 7 (NYSDOT 403.18), 2940± sq. yds. (32' wide asphaltic conc. pavement), 12" Sub-base No. 2 (NYSDOT 304.03), 4" Base Type 1 (NYSDOT 403.18), Dense Binder Type 3 (NYSDOT 403.13), 1" Top Type 7 (NYSDOT 403.18), 5140± LF upright conc. curb w/6" underdrain, corrugated beam barricade (2 ea.). Temporary Turn-around (1 ea.).

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**WHEREAS**, David F. Pratt of Greenman-Pedersen, Inc., 4950 Genesee Street, Cheektowaga, New York, on behalf of Devin Development, LLC, has requested that the Town Board approve a site located on the north side of Broadway at 6114 Broadway comprising approximately 42 acres as an out-of-district customer to Erie County Sewer District No. 4, and

**WHEREAS**, the Town Board has given due review and consideration to the request;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves a site at 6114 Broadway, Lancaster, New York, being approximately 42 acres situate on the north side of Broadway as an out-of-district customer to Erie County Sewer District No. 4.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, §1660 (18) Vehicle and Traffic Law of the State of New York authorizes the Town to restrict and prohibit the parking of vehicles on all roads within the Town except State Highways, and

**WHEREAS**, the Town Board and the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, “VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER”,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to section 130 of the Town Law of the State of New York, a Public Hearing on the proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 7<sup>th</sup> day of July, 2008 at 8:40 o'clock P.M., Local Time, and that Notice of the time and place of such hearing shall be published on June 26, 2008, in the Lancaster Bee, a newspaper of general circulation in said Town and posted on the town Bulletin Board, which notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

RPHV&Tnoparking608.

**LEGAL NOTICE  
PUBLIC HEARING  
NO PARKING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the town Board of the Town of Lancaster adopted on the 16<sup>th</sup> day of June, 2008, the said Town Board will hold a Public Hearing on the 7<sup>th</sup> day of July, 2008, at 8:40 P.M. o'clock, Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following amendments to the Vehicle and Traffic Ordinance of the code of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**ARTICLE X**

**ARTICLE X - Parking, Standing and Stopping.**

**§46-12      Parking prohibited in designated locations is hereby amended by adding thereto the following:**

A. The parking of a vehicle is hereby prohibited at any time in the following locations:

- (71)      In Bowmansville, on the east side of Harris Hill Road from the intersection of Harris Hill and Genesee Street north to Old Genesee.
- (72)      In Bowmansville, on the west side of Harris Hill Road from the intersection of Harris Hill and Genesee Street north to Anna Drive.

**and**

**ARTICLE X - Parking, Standing and Stopping.**

**§46-13      Standing prohibited in designated locations, is hereby amended by adding thereto the following:**

A. The standing of vehicles is hereby prohibited in any of the following locations:

- 72)      In Bowmansville, on the east side of Harris Hill Road from the intersection of Harris Hill and Genesee Street north to Old Genesee.
- (73)      In Bowmansville, on the west side of Harris Hill Road from the intersection of Harris Hill and Genesee Street north to Anna Drive.

Full copies of the Ordinance are available in the Town Clerk's office during regular office hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

By:      JOHANNA M. COLEMAN  
TOWN CLERK

June 16, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS,** the Town Board of the Town of Lancaster has received a communication dated April 8, 2008 from Chief Gary Stoldt of the Town of Lancaster Police Department requesting the creation of an open container ordinance within the Town, and

**WHEREAS,** the Town Board has determined that the creation of an open container ordinance would positively effect the safety, health, welfare, and the quality of life of Town residents, and

**WHEREAS,** the Town Board of the Town of Lancaster deems it is the public interest to create an Ordinance entitled "Open Container" which shall be designated as Chapter 2 of the Code of the Town of Lancaster which ordinance shall read as follows:

## Chapter 2

### OPEN CONTAINERS

- §2-1. Legislative intent.
- §2-2. Definitions.
- §2-3. Possession on public lands prohibited.
- §2-4. Exceptions.
- §2-5. Applicability
- §2-6. Penalties for offenses.
- §2-7. Consumption of alcoholic beverages restricted.

#### §2-1. **Legislative intent.**

It is the intent of the Town of Lancaster as an exercise of its police power to promote the general health, safety and welfare of the residents of the Town of Lancaster by enacting this Article, since it is the finding of the Town Board that the possession of open containers of alcoholic beverages by persons on public lands, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the Town of Lancaster in that such possession contributes to the development of unsanitary conditions and the creation of nuisances.

#### §2-2. **Definitions.**

For the purpose of this Article, the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in regular usage.

ALCOHOLIC BEVERAGE- includes alcohol, liquor, wine, beer, cider and every liquid, patented or not, containing alcohol, wine or beer and capable of being consumed by a human being.

CONTAINER- Any bottle, can, glass, or other receptacle suitable for or used to hold any liquid.

PUBLIC LANDS -Any highway, street, sidewalk, park, playground, public parking lot or other public land.

#### §2-3. **Possession on public lands prohibited.**

No person shall have in his possession any open container containing an alcoholic beverage on any public land within the Town of Lancaster.

#### §2-4. **Exceptions.**

The foregoing prohibition shall not apply in the event of a fair, picnic, or other community gathering for which special permission has been granted by the Town of Lancaster, where consumption of Alcoholic beverages shall be permitted during those hours when such function is open to the public.

§2-5. **Applicability.**

This Article shall apply to all persons on public lands in the Town of Lancaster.

§2-6. **Penalties for offenses.**

Any person or persons, association or corporation committing an offense against this Article or any section or provision thereof is guilty of a violation punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or by imprisonment for a period not exceeding fifteen (15) days for each such offense, or by both such fine and imprisonment.

§2-7. **Consumption/possession of alcoholic beverages restricted.**

No person shall consume any alcoholic beverage or have in his possession any open container containing an alcoholic beverage, with the intent to consume the same, in public, within the limits of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to §130 of the Town Law of the State of New York, a Public Hearing on the proposed creation of Chapter 2, Open Container Ordinance of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 7<sup>th</sup> day of July, 2008 at 8:45 o'clock P.M., Local Time, and that Notice of the time and place of such hearing shall be published on June 26, 2008 in the Lancaster Bee, a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

**LEGAL NOTICE  
PUBLIC HEARING  
OPEN CONTAINER LAW  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 16th day of June, 2008 said Town Board will hold a Public Hearing on the 7<sup>th</sup> day of July, 2008, at 8:45 P.M. o'clock, Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed Ordinance entitled "Open Container" designated as Chapter 2, of the Code of the Town of Lancaster, briefly described as follows:

**Chapter 2  
OPEN CONTAINER**

This Ordinance is intended to promote the general health, safety and welfare of the residents of the Town of Lancaster as the possession of open containers of alcoholic beverages by persons on public lands, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the Town of Lancaster in that such possession may contribute to the development of unsanitary conditions and the creation of public nuisances.

Full copies of the Ordinance are available in the Town Clerk's office for pick-up during regular office hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

By: JOHANNA M. COLEMAN  
TOWN CLERK

June 16, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Salvatore M. Balesteri, 1705 Hertel Ave, Buffalo, New York 14216 has heretofore applied for approval of a single family residential subdivision community to be known as “Roseland Subdivision, Phase II” located west of Steinfeldt Road and south of Erie Street, continuation of St. Anthony Street and Rose Street in the Town of Lancaster, and

**WHEREAS**, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

**WHEREAS**, the Town acting as lead agency has completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations, and

**WHEREAS**, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision;

**NOW, THEREFORE, BE IT**

**RESOLVED, as follows:**

1. That the Town Board of the Town of Lancaster hereby approves the proposed single family residential subdivision as prepared by Bissell, Stone Associates dated September 13, 2007 and filed with the Town Clerk on October 2, 2007 for the subdivision to be known as “Roseland Subdivision, Phase II” for filing in the Erie County Clerk’s office with the following condition:

1) Wetlands to be monumented at property lines and angles with appropriate brass or plastic caps to be approved by Town Engineer.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

File: rRoselandPhaseIIfinalplatapprova608



**PREFILED RESOLUTION NO. 14 - MEETING OF 6/16/08**

Stempniak/ \_\_\_\_\_ Authorize Subdivision Map Cover Filing Brookside Townhomes  
(Forestream Village Townhomes)

At the request of Council Member Stempniak, this resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, a Public Hearing was held on the 2<sup>nd</sup> day of June, 2008, on the petition of **RJF Development, Joint Venture**, P.O. Box 1454, Williamsville, New York for the rezone of certain property located at the corner of Pleasant View Drive and Pavement Road, in the Town of Lancaster, New York from an Agricultural Residential District (AR) to Neighborhood Business District (NB), and

**WHEREAS**, the Planning Board of the Town of Lancaster at its meeting held May 7, 2008 unanimously recommended approval of the rezone, and

**WHEREAS**, a SEQR review was completed on the proposed rezone and project on June 2, 2008 and a Negative Declaration issued, and

**WHEREAS**, a Notice of said Hearing has been duly published and posted, and

**WHEREAS**, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an Agricultural Residential District (AR) to Neighborhood Business District (NB):

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 8, Section 5, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

**BEGINNING** at the intersection of the north line of Pleasant View Drive with the west line of Pavement Road:

**THENCE**: S-88°-13'-01"-W along the north line of Pleasant View Drive a distance of 300.00 feet;

**THENCE** through the lands conveyed to RJF Development Joint Venture by Deed recorded in the Erie County Clerk's Office in Liber 10898 of Deeds at page 5895 the following two (2) courses and distances;

1) N-01°-03'-53"-W a distance of 315.02 feet

2) N-88°-13'-01"-E a distance of 300.00 feet to the west line of Pavement Road.

**THENCE** S-01 ° -03'-53"-E along said west line a distance of 315.02 feet to the point of beginning containing 2.169 acres be the same more or less.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

- 2. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 16<sup>th</sup> day of June, 2008;
- 3. That a certified copy thereof be published in the Lancaster Bee, on or before the 19<sup>th</sup> day of June, 2008;
- 4. That Affidavits of Publication be filed with the Town Clerk; and
- 5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

**LEGAL NOTICE**  
**NOTICE OF ADOPTION OF AMENDMENT**  
**ZONING ORDINANCE, TOWN OF LANCASTER**  
**PLEASANT VIEW DRIVE AND PAVEMENT ROAD**  
**TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a Agricultural Residential District (AR) to Neighborhood Business (NB),

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 8, Section 5, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

**BEGINNING** at the intersection of the north line of Pleasant View Drive with the west line of Pavement Road:

**THENCE:** S-88°-13'-01"-W along the north line of Pleasant View Drive a distance of 300.00 feet;

**THENCE** through the lands conveyed to RJF Development Joint Venture by Deed recorded in the Erie County Clerk's Office in Liber 10898 of Deeds at page 5895 the following two (2) courses and distances;

- 1) N-01°-03'-53"-W a distance of 315.02 feet
- 2) N-88°-13'-01"-E a distance of 300.00 feet to the west line of Pavement Road.

**THENCE** S-01°-03'-53"-E along said west line a distance of 315.02 feet to the point of beginning containing 2.169 acres be the same more or less.

.

**June 16, 2008**

**STATE OF NEW YORK   :**  
**COUNTY OF ERIE       :** ss:  
**TOWN OF LANCASTER :**

**THIS IS TO CERTIFY** that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 16th day of June 2008 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto signed my hand and affixed the Seal of said Town this 16<sup>th</sup> day of June, 2008

**(S E A L)**

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Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS, Benderson Development Company, LLC**, 570 Delaware Avenue, Buffalo, New York 14202, has submitted a Revised Site Plan prepared by Benderson Development Co., LLC dated May 14, 2008 and received May 22, 2008 for the proposed construction of a 15,000 square foot Aldi Food Store to be located at 4931 Transit Road in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the original plan and at its meeting on May 7, 2008 has recommended approval of this project, and

**WHEREAS**, a SEQR Review of this project was held May 19, 2008 and a negative declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Benderson Development Company, LLC and prepared by Benderson Development Co., LLC dated May 14, 2008 and received May 22, 2008 for the proposed construction of a 15,000 square foot Aldi Food Store to be located at 4931 Transit Road in the Town of Lancaster with the following conditions:

- 1) Signage to be approved which restricts truck traffic to exit onto Transit Road only.
- 2) Easement with Rite-Aid to be approved allowing the use of their existing William Street driveway.
- 3) Town Attorney to approve language of draft easement between all parties.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Chief of Police Gary Stoldt has communicated to General Crew Chief Terrence McCracken that the current telephone system at the Town of Lancaster Police/Court Building at 525 Pavement Road is not adequately meeting the needs of those two Town Departments, and

**WHEREAS**, the General Crew Chief has researched systems available to be purchased off of New York State Contracts, and

**WHEREAS**, the General Crew Chief has recommended the purchase and installation of a ShoreTel IP Telephony system from PremCom Corporation, 85 Northpointe Pkwy., Suite 1, Amherst, NY 14228 off of New York State Contract Nos. PT62764 and PS62765 in the amount of \$21,109.77, and other required equipment not available under the New York State Contracts in the amount of \$3,397.00, as outlined in their proposal dated April 10, 2008, and

**WHEREAS**, the 2008 Adopted Budget of the Town of Lancaster requires supplemental appropriations in order to fund said purchases,

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board of the Town of Lancaster hereby authorizes the purchase and installation in the Town of Lancaster Police/Court Building at 525 Pavement Road of a ShoreTel IP Telephony system from PremCom Corporation, 85 Northpointe Pkwy., Suite 1, Amherst, NY 14228 off of New York State contract nos. PT62764 and PS62765 in the amount of \$21,109.77, and other required equipment not available under the New York State contracts in the amount of \$3,397.00, as outlined in their proposal dated April 10, 2008, and

**BE IT FURTHER**

**RESOLVED** that the following Budget Amendments be and are hereby approved to the 2008 Adopted Budget of the Town of Lancaster in order to fund said purchases:

<b>General Fund - Townwide</b>	<u><b>Increase</b></u>
A599 Appropriated Fund Balance	25,000
A960 Budget Appropriations	25,000
A1620.260 Buildings - Other Capital Outlay	25,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS,** Windsor Ridge Partners, 501 John James Audubon Pkwy, Amherst, New York has applied to the Town Board of the Town of Lancaster for permits for Public Improvements upon real property in the Town of Lancaster within Windsor Ridge South Subdivision , Phase I, and

**WHEREAS,** the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that Public Improvement Permit Application Nos. 648, 649, 650, 651, 652 and 653 of Windsor Ridge Partners, 501 John James Audubon Pkwy, Amherst, New York, which are permits for Public Improvements for the installation of:

P.I.P. No. 648 (Water Line)	Windsor Ridge South, Phase One on Chestnut Corner, Worthington Lane, and Parliament Lane, installation of approx. 80± LF 10" Ductile Iron pipe (DIP Class 52), 1970± LF 10" PVC (C-900), 180± LF 8" Ductile Iron Pipe (D.I.P. Class 52), 1935± LF 8" PVC (C-900), 10" gate valves - 6 ea., 1 - valve chamber, 8" gate valves - 6 ea., hydrant assemblies - 7 ea., 1" blow-off assemblies - 2 ea., 60± LF 20" steel casing pipe.
P.I.P. No.649 (Storm Sewer)	Windsor Ridge South, Phase One on Chestnut Corner, Worthington Lane, and Parliament Lane, installation of approx. 42± LF of 6" HDPE, 554± LF of 8" HDPE, 1260± LF of 12" HDPE, 1143± LF of 15" HDPE, 225± LF of 15" Perf. HDPE, 516± LF of 18" HDPE, 225± LF of 18" Perf. HDPE, 1099 LF of 24" HDPE, 545± LF of 36" HDPE, standard receivers-26 ea., standard light duty rcvr-13 ea., Back Yard drains-8 ea., standard (48" I.D.) manholes-22 ea., 1-standard outfall, Sediment Chambers 4 ea., 1-(5R), 2-(6R), 1-(7R).
P.I.P. No. 650 (Pavement)	Windsor Ridge South, Phase One on Chestnut Corner, Worthington Lane, and Parliament Lane, installation of approx. 12,710± sq. yds. (28' wide asphaltic conc. pavement), 12" sub-base No. 2 (NYSDOT 304.03), 4" Base Type 1 (NYSDOT 403.11), 2" Dense Binder Type 3 (NYSDOT 403.13), 1" Top Type 7 (NYSDOT 403.18), 7815± LF 24" or 20" upright conc. curb w/6" underdrain.
P.I.P. No. 651 (Detention Basin)	Windsor Ridge South, Phase I on n/s Chestnut Corner & s/s Worthington Lane, installation of Detention Basin - 1 ea., Rip-Rap Spillways (50# min.) - 5 ea.. along with all erosion control devices depicted on sheet 77 and detail sheet 80.

P.I.P. No. 652 (Sidewalk)	Windsor Ridge South, Phase I on the east & west side of Chestnut Corner, installation of approx. 895± LF - 5' wide conc. walk.
P.I.P. No. 653 (Con/Span Bridge)	Windsor Ridge South, Phase I on Chestnut Corner, installation of 9-32'-o span x 8'-0 rise x 5'-11½” long precast concrete culvert units w/headwalls & wingwalls.

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 2656 to Claim No. 2939 Inclusive

Total amount hereby authorized to be paid: \$1,170,702.79

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 2008

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER STEMPIAK, WHO  
 MOVED ITS ADOPTION, SECONDED BY  
 COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

**(SW)** = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

**(CSW)** = Conditional sidewalk waiver.

**(V/L)** = Village of Lancaster

**NEW PERMITS:**

15702	Home Brands Inc	30 Village View	Er. Shed	
15703	Housecrafters LLC	237 Ransom Rd	Re-Roof House	
15704	Stockmohr Co	88 Harvey Dr	Re-Roof House	(V/L)
15705	Pezdek, Kenneth	12 Michael Anthony	Er. Shed	
15706	Black Rock Roofing	68 Williamsburg Ln	Re-Roof House	
15707	Dombrowski, Lawrence	185 N Maple Dr	Er. Res. Add.	
15708	Sun Enterprises	281 Lake Ave	Er. Shed	(V/L)
15709	Aqua Systems	3920 Bowen Rd	Inst. In-Grnd Sprinkler	
15710	Aqua Systems Inc	3922 Bowen Rd	Inst. In-Grnd Sprinkler	
15711	SW Tiger Builders Inc	483 Schwartz Rd	Er. Dwlg.-Sin.	
15712	Housecrafters LLC	139 Lake Ave	Er. Deck	(V/L)
15713	Forestream Village Inc	4705 Transit Rd	Er. Sign-Temp	
15714	Velocitel	933 Ransom Rd	Er. Com. Tower	
15715	Natale Builders	27 Nicholas Ln	Er. Dwlg.-Sin.	
15716	Buscaglia Decks	10 Joseph Dr	Er. Deck	
15717	J M Richardson Homes	38 Kelly Ct	Er. Deck	(V/L)
15718	Duro-Shed Inc	28 Quail Run Ln	Er. Shed	
15719	Smith, Eric	31 Chicory Ln	Er. Deck	
15720	Green, Robert	2 Muirfield Ln	Er. Deck	
15721	Schurr, William	83 Pleasant Ave	Er. Pool-Abv Grnd	(V/L)
15722	Schurr, William	83 Pleasant Ave	Er. Fence	(V/L)
15723	Colley's Pools	16 Rose Hill Cir	Er. Pool-Abv Grnd	
15724	Stockmohr Co Inc	23 Whitestone Ln	Re-Roof House	
15725	Stockmohr Co Inc	589 Pleasant View	Re-Roof House	
15726	Stockmohr Co Inc	17 Signal Dr	Re-Roof House	
15727	Stockmohr Co Inc	8 Broezel Ave	Re-Roof House	
15728	Gloal Marketing	52 Newberry Ln	Er. Shed	
15729	DeMarzio, Kenneth	8 Red Clover Ln	Er. Deck	
15730	Reynolds Home Imprv	33 Greenbriar Dr	Er. Res. Add.	
15731	Walter, Kelly	91 Irwinwood Rd	Er. Garage	(V/L)
15732	Musialowski, Paul	5002 William St	Er. Shed	
15733	Sun Enterprises	32 Apple Blossom	Er. Shed	
15734	Smith, Kristen	5 Sweet Brier Ct	Er. Deck	
15735	Whitcomb, Daniel	305 Aurora St	Re-Roof House	(V/L)
15736	Duro-Shed Inc	15 Creekwood Dr	Er. Shed	
15737	Heim, Daniel	342 Aurora St	Re-Roof House	
15738	HD Unlimited	5134 William St	Er. Pool-Abv Grnd	
15739	Decks Unlimited	133 Nathan's Trl	Er. Deck	
15740	Decks Unlimited	38 Whitestone Ln	Er. Deck	
15741	Reed, Mark	1 Quail Run Ln	Er. Deck	
15742	Filippi, Lucian	137 Broezel Ave	Er. Fence	
15743	Custom Curb Appeal	103 Burwell Ave	Er. Pool-Abv Grnd	(V/L)
15744	Buscaglia Decks	11 St Davids Rd	Er. Deck	
15745	All Craft	40 Cedar Brook Dr	Er. Res. Add.	
15746	Pro Line Pools	5 Fieldstone Ln	Er. Pool-Abv Grnd	

15747	Duro-Shed Inc	19 Ashwood Ct	Er. Shed	
15748	Mattison, Tony	3503 Walden Ave	Er. Res. Add.	(V/L)
15749	Furminger, Douglas	10 Elm Pl	Er. Res. Add.	(V/L)
15750	Grau Builders	5 Logan Ln	Er. Dwlg.-Sin.	
15751	Grau Builders	23 Logan Ln	Er. Deck	
15752	Sun Enterprises	226 Nathan's Trl	Er. Shed	
15753	Cansdale, Mary	32 Wilma Dr	Re-Roof House	(V/L)
15754	Heritage Fence	85 Country Pl	Er. Fence	
15755	Iroquois Fence Inc	32 Stephens Ct	Er. Fence	(V/L)
15756	Iroquois Fence Co	30 Michael's Walk	Er. Fence	
15757	Charvate, Robert Jr	4 Signal Dr	Re-Roof House	
15758	Besroi Construction	172 Schwartz Rd	Re-Roof House	
15759	Besroi Construction	2047 Como Park	Re-Roof House	(V/L)
15760	Booth, Leslie	49 School St	Re-Roof House	(V/L)
15761	Tennant, Jack	137 William Kidder	Er. Deck	
15762	Bohn, Paul	7 Quail Hollow	Re-Roof House	
15763	Hydock, Julie	184 Stony Rd	Er. Deck	
15764	Marshall, Shawn	1938 Como Park	Er. Fireplace	(V/L)
15765	Stork Realty Corp	4845 Transit Rd	Er. Sign-Temp	
15766	Murray, G. Scott	20 Nichter Rd	Er. Pool-Abv Grnd	
15767	Iroquois Fence Co	50 Apple Blossom	Er. Fence	
15768	Imperial Fence Co Inc	86 Newberry Ln	Er. Fence	
15769	Wehner, Michael	37 Garfield St	Er. Fence	(V/L)
15770	Sun Enterprises	48 Apple Blossom	Er. Shed	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 16, 2008

## COMMUNICATIONS & REPORTS

276. Town of West Seneca to Town Board -  
Transmittal of resolution regarding proposal to amend Real Property Tax Law regarding valuation of condominiums. DISPOSITION = Received & Filed
277. Town of Holland to Town Board -  
Transmittal of resolution regarding proposal to revise General Municipal Law Section 239-n to allow greater flexibility for municipal purchasing. DISPOSITION = Received & Filed
278. Erie County Clerk to Town Clerk -  
Letter encouraging auto registration through the Erie County Clerk's Office.  
DISPOSITION = Received & Filed
279. Roy Scheggenburger to Town Board -  
Comments regarding Town Board meeting of June 2, 2008. DISPOSITION = Received & Filed
280. Ferdinand J. Ciccarelli to Town Clerk -  
Notice of application by Lancaster Country Club, Inc., 6061 Broadway, for a seasonal liquor license for swimming pool building. DISPOSITION = Town Attorney
281. Town Clerk to Town Board -  
Transmittal of Special Use Permit application for Susan Ida Szwajda, 91 Nichter Road.  
DISPOSITION = Resolution 6/16/08
282. Town Clerk to Town Board -  
Transmittal of fourth settlement payment for 2008 County/Town Tax Warrant.  
DISPOSITION = Received & Filed
283. Town Clerk to Town Board -  
Transmittal of monthly report for May 2008. DISPOSITION = Received & Filed
284. General Crew Chief to Planning Board -  
Notice of no concerns from Town Forestry Department regarding site plan for Wal-Mart Store, n/e corner Transit Road and William Street. DISPOSITION = Planning Committee
285. President, Columbus Club of Lancaster to Supervisor -  
Request for out of district customer status in Sewer District No. 4 for development of property on Broadway. DISPOSITION = Resolution 6/16/08
286. Veterans of Foreign Wars Post 7275 to Town Board -  
Letter of appreciation for participation in Memorial Day ceremony and parade.  
DISPOSITION = Received & Filed
287. Village of Lancaster to Town Board -  
Minutes of meeting held May 27, 2008. DISPOSITION = Received & Filed
288. Hon. William Stachowski, NYS Senator to Town Board -  
Transmittal of proposed legislation to allow municipalities to opt out of provisions relating to newly constructed condominiums. DISPOSITION = Received & Filed
289. Town of Tonawanda to Town Clerk -  
Transmittal of resolution regarding proposal to amend Real Property Tax Law regarding valuation of condominiums. DISPOSITION = Received & Filed
290. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held June 4, 2008. DISPOSITION = Received & Filed
291. Kevin King to Town Attorney -  
Letter of appreciation for assistance to resolve problem presented at June 2, 2008 Town Board meeting. DISPOSITION = Received & Filed

292. David Kerchoff to Supervisor -  
Letter of appreciation for recognizing parking situation on Shadyside Lane and Pheasant Run Lane. DISPOSITION = Received & Filed
293. Highway Superintendent to Planning Board Chairman -  
Notice of no concerns regarding site plan for Benderson Retail Development, 4817 Transit Road. DISPOSITION = Planning Committee
294. General Crew Chief to Supervisor -  
Request for resolution to hire seasonal employees. DISPOSITION = Resolution 6/16/08
295. Hon. Dale M. Volker, NYS Senator to Supervisor -  
Letter advising of approval of Legislative initiative of \$25,000 for construction of Lancaster Town Band shell. DISPOSITION = Received & Filed
296. Concerned Citizen to Supervisor -  
Request for "No Parking" signs on Via Donato East and West. DISPOSITION = Police Chief
297. Town Clerk to Town Board -  
Transmittal of Special Use Permit application for Joanne Rocco, 5300 William Street. DISPOSITION = Town Attorney
298. Town of Newstead to Town Board -  
Transmittal of resolution regarding proposal to revise General Municipal Law Section 239-n to allow greater flexibility for municipal purchasing. DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED,** the meeting was adjourned at 9:23 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk